

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

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Page 1, between the enacting clause and line 1, begin a new paragraph and insert:
 "SECTION 1. IC 6-1.1-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:
 (1) one dollar and twenty-five cents (\$1.25) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or
 (2) two dollars (\$2) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.
 (b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:
 (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.
 (2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.
 (3) To pay the principal or interest upon:
 (A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or
 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.
 (4) To pay the principal or interest upon an obligation issued in the manner provided in IC 6-1.1-20-3 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

1 (5) To pay a judgment rendered against the political subdivision.

2 ~~(6) To meet the requirements of the county welfare fund; the county welfare administration fund; for public~~
 3 ~~welfare services; or the family and children's fund for child services (as defined in IC 12-19-7-1).~~

4 ~~(7) To meet the requirements of the county hospital care for the indigent fund.~~

5 (c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county
 6 auditor, or the state board of tax commissioners may review the portion of a tax rate described in subsection (b)
 7 only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that
 8 subsection.

9 SECTION 2. IC 6-1.1-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec.

10 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on
 11 tangible property within a political subdivision may not exceed:

12 (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed
 13 valuation in territory outside the corporate limits of a city or town; or

14 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed
 15 valuation in territory inside the corporate limits of a city or town.

16 (b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for
 17 the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be
 18 considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1)
 19 of the following purposes:

20 (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political
 21 subdivision.

22 (2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice
 23 of the sale of the obligation was published before March 9, 1937.

24 (3) To pay the principal or interest upon:

25 (A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire,
 26 pestilence, war, or any other major disaster; or

27 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town,
 28 or county to acquire necessary equipment or facilities for municipal or county government.

29 (4) To pay the principal or interest upon an obligation issued in the manner provided in IC 6-1.1-20-3
 30 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

31 (5) To pay a judgment rendered against the political subdivision.

32 ~~(6) To meet the requirements of the county welfare fund; the county welfare administration fund; for public~~
 33 ~~welfare services; or the family and children's fund for child services (as defined in IC 12-19-7-1).~~

34 ~~(7) To meet the requirements of the county hospital care for the indigent fund.~~

35 (c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county
 36 auditor, or the state board of tax commissioners may review the portion of a tax rate described in subsection (b)
 37 only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that
 38 subsection.

39 SECTION 3. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

40 Sec. 9.7. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad
 41 valorem property taxes imposed under any of the following:

42 ~~(1) IC 12-16, except IC 12-16-1.~~

43 ~~(2) IC 12-19-3-3 through IC 12-19-3-7.~~

44 ~~(3) IC 12-19-4.~~

45 ~~(4) IC 12-19-5.~~

46 ~~(5) IC 12-19-7.~~

1 ~~(6)~~ IC 12-20-24.

2 (b) For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter,
3 a county's or township's ad valorem property tax levy for a particular calendar year does not include that part of
4 the levy imposed under ~~the citations listed in subsection (a):~~ **IC 12-20-24.**

5 (c) Section 8(b) of this chapter does not apply to bonded indebtedness that **was issued to cover obligations**
6 **incurred before January 1, 2000, and that** will be repaid through property taxes imposed under IC 12-19.

7 SECTION 4. IC 6-1.1-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
8 Sec. 2. As used in this chapter:

9 (a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

10 (b) "Taxes" means taxes payable in respect to property assessed under this article. The term does not include
11 special assessments, penalties, or interest, but does include any special charges which a county treasurer
12 combines with all other taxes in the preparation and delivery of the tax statements required under
13 IC 6-1.1-22-8(a).

14 (c) "Department" means the department of state revenue.

15 (d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5,
16 is to be filed on or before March 1 of each year with the auditor of state.

17 (e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

18 (f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract
19 which change assessments therein or add assessments of omitted property affecting taxes for such assessment
20 year.

21 (g) "Total county tax levy" means the sum of:

22 (1) the remainder of:

23 (A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for
24 a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however,
25 for any postabstract adjustments which change the amount of the aggregate levy; minus

26 (B) the sum of any increases in property tax levies of taxing units of the county that result from appeals
27 described in:

28 (i) IC 6-1.1-18.5-13(5) and IC 6-1.1-18.5-13(6) filed after December 31, 1982; plus

29 (ii) the sum of any increases in property tax levies of taxing units of the county that result from any
30 other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; ~~plus~~

31 ~~(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the~~
32 ~~county);~~ minus

33 (C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the
34 county under the authority of ~~IC 12-1-11.5 (repealed)~~, IC 12-2-4.5 (repealed) ~~IC 12-19-5~~ or IC 12-20-24;
35 minus

36 (D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay
37 for interest or principal due on debt that:

38 (i) is entered into after December 31, 1983;

39 (ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

40 (iii) does not constitute debt entered into for the purpose of building, repairing, or altering school
41 buildings for which the requirements of IC 20-5-52 were satisfied prior to January 1, 1984; minus

42 (E) the amount of property taxes imposed in the county for the stated assessment year under the authority
43 of IC 21-2-6 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax
44 rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated
45 assessment year; minus

46 (F) the remainder of:

1 (i) the total property taxes imposed in the county for the stated assessment year under authority of
 2 IC 21-2-6 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax
 3 rate was not initially established or reestablished for a stated assessment year that succeeds the 1983
 4 stated assessment year; minus

5 (ii) the total property taxes imposed in the county for the 1984 stated assessment year under the
 6 authority of IC 21-2-6 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose
 7 property tax rate was not initially established or reestablished for a stated assessment year that
 8 succeeds the 1983 stated assessment year; minus

9 (G) the amount of property taxes imposed in the county for the stated assessment year under:

10 (i) IC 21-2-15 for a capital projects fund; plus

11 (ii) IC 6-1.1-19-10 for a racial balance fund; plus

12 (iii) IC 20-14-13 for a library capital projects fund; plus

13 (iv) IC 20-5-17.5-3 for an art association fund; plus

14 (v) IC 21-2-17 for a special education preschool fund; plus

15 (vi) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum
 16 permissible general fund levy for certain transfer tuition costs; plus

17 (vii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum
 18 permissible general fund levy for transportation operating costs; minus

19 (H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after
 20 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these
 21 property taxes that are attributable to the adjustment set forth in ~~IC 6-1.1-19-1.5(a)~~ **IC 6-1.1-19-1.5(b)**
 22 STEP ONE or any other law; minus

23 (I) for each township in the county, the lesser of:

24 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b)
 25 STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax
 26 levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described
 27 in IC 6-1.1-18.5-13(5) filed after December 31, 1982; or

28 (ii) the amount of property taxes imposed in the township for the stated assessment year under the
 29 authority of IC 36-8-13-4; minus

30 (J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of
 31 property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum
 32 levy limit for each of the participating units that would have otherwise been available for fire protection
 33 services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; ~~minus~~

34 ~~(K) for each county, the sum of:~~

35 ~~(i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6~~
 36 ~~that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes~~
 37 ~~payable in 1995; or for property taxes payable in each year after 1995, the amount determined under~~
 38 ~~IC 12-19-7-4(b); and~~

39 ~~(ii) the amount of property taxes imposed in the county attributable to appeals granted under~~
 40 ~~IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for~~
 41 ~~property taxes payable in 1995; or the amount determined under IC 12-19-7-4(b) for property taxes~~
 42 ~~payable in each year after 1995; plus~~

43 (2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year
 44 in which the taxes stated in the abstract are to be paid; plus

45 (3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the
 46 county as property tax replacement credits to reduce the individual levies of the taxing units for the

1 assessment year, as provided in IC 6-3.5-1.1; plus

2 (4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing
3 units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

4 (5) the difference between:

5 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

6 (B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing
7 units' base year certified shares under IC 6-1.1-18.5-3(e).

8 (h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor
9 of state, as required under IC 6-1.1-27-3.

10 (i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare on or
11 before March 1 of each year under IC 6-1.1-22-3.

12 SECTION 5. IC 6-1.1-29-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
13 Sec. 9. (a) A county council may adopt an ordinance to abolish the county board of tax adjustment. This
14 ordinance must be adopted by July 1 and may not be rescinded in the year it is adopted. Notwithstanding
15 IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-19, ~~IC 12-19-3~~, ~~IC 12-19-7~~, IC 21-2-14, IC 36-8-6, IC 36-8-7, IC 36-8-7.5,
16 IC 36-8-11, IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance is adopted, this section governs the
17 treatment of tax rates, tax levies, and budgets that would otherwise be reviewed by a county board of tax
18 adjustment under IC 6-1.1-17.

19 (b) The time requirements set forth in IC 6-1.1-17 govern all filings and notices.

20 (c) A tax rate, tax levy, or budget that otherwise would be reviewed by the county board of tax adjustment is
21 considered and must be treated for all purposes as if the county board of tax adjustment approved the tax rate,
22 tax levy, or budget. This includes the notice of tax rates that is required under IC 6-1.1-17-12.

23 SECTION 6. IC 6-3.5-6-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
24 Sec. 18.5. (a) This section applies to a county containing a consolidated city.

25 (b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county
26 containing a consolidated city is entitled to receive during a month equals the following:

27 (1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be
28 distributed as distributive shares during that month multiplied by the following factor:

29	Center Township	.0251
30	Decatur Township	.00217
31	Franklin Township	.0023
32	Lawrence Township	.01177
33	Perry Township	.01130
34	Pike Township	.01865
35	Warren Township	.01359
36	Washington Township	.01346
37	Wayne Township	.01307
38	Lawrence-City	.00858
39	Beech Grove	.00845
40	Southport	.00025
41	Speedway	.00722
42	Indianapolis/Marion County	.86409

43 (2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive
44 shares for each civil taxing unit in a county containing a consolidated city shall be not less than the
45 following:

46	Center Township	\$1,898,145
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1	Decatur Township	\$ 164,103
2	Franklin Township	\$ 173,934
3	Lawrence Township	\$ 890,086
4	Perry Township	\$ 854,544
5	Pike Township	\$1,410,375
6	Warren Township	\$1,027,721
7	Washington Township	\$1,017,890
8	Wayne Township	\$ 988,397
9	Lawrence-City	\$ 648,848
10	Beech Grove	\$ 639,017
11	Southport	\$ 18,906
12	Speedway	\$ 546,000

13 (3) For each year after 1995, calculate the total amount of revenues that are to be distributed as
14 distributive shares during that month as follows:

15 STEP ONE: Determine the total amount of revenues that were distributed as distributive shares
16 during that month in calendar year 1995.

17 STEP TWO: Determine the total amount of revenue that the department has certified as distributive
18 shares for that month under section 17 of this chapter for the calendar year.

19 STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

20 STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO
21 result by the ratio established under subdivision (1).

22 STEP FIVE: Determine the ratio of:

23 (A) the maximum permissible property tax levy under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for each
24 civil taxing unit for the calendar year in which the month falls; divided by

25 (B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 ~~and~~
26 ~~IC 6-1.1-18.6~~ for all civil taxing units of the county during the calendar year in which the month
27 falls.

28 STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be
29 distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

30 STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO
31 amount.

32 STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount
33 minus the product of the STEP ONE amount multiplied by the ratio established under subdivision
34 (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing
35 units that have a STEP EIGHT difference greater than or equal to zero (0).

36 STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil
37 taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

38 (A) the maximum permissible property tax levy under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for the
39 qualifying civil taxing unit during the calendar year in which the month falls; divided by

40 (B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 ~~and~~
41 ~~IC 6-1.1-18.6~~ for all qualifying civil taxing units of the county during the calendar year in which
42 the month falls.

43 SECTION 7. IC 12-7-2-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
44 Sec. 45. "County office" refers to a county office of family and children **within the division of family and**
45 **children.**

46 SECTION 8. IC 12-7-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

1 Sec. 91. "Fund" means the following:

- 2 (1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.
 3 ~~(2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.~~
 4 ~~(3) (2)~~ For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.
 5 ~~(4) (3)~~ For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.
 6 ~~(5) (4)~~ For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.
 7 ~~(6) (5)~~ For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.
 8 ~~(7) For purposes of IC 12-19-3, the meaning set forth in IC 12-19-3-1.~~
 9 ~~(8) For purposes of IC 12-19-4, the meaning set forth in IC 12-19-4-1.~~
 10 ~~(9) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.~~
 11 ~~(10) (6)~~ For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.
 12 ~~(11) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.~~
 13 ~~(12) (7)~~ For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.
 14 ~~(13) (8)~~ For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

15 SECTION 9. IC 12-7-2-95 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

16 Sec. 95. (a) "Grant-in-aid", for purposes of the statutes listed in subsection (b), means any money paid by the
 17 federal government to the state ~~or any money paid by the state to a county~~ for the purpose of defraying any of
 18 the expenses, claims, allowances, assistance, or obligations authorized by this title.

19 (b) This section applies to the following statutes:

- 20 (1) IC 12-13.
 21 (2) IC 12-14.
 22 (3) IC 12-15.
 23 (4) IC 12-17-1.
 24 (5) IC 12-17-2.
 25 (6) IC 12-17-3.
 26 (7) IC 12-17-9.
 27 (8) IC 12-17-10.
 28 (9) IC 12-17-11.
 29 ~~(10) IC 12-19.~~

30 SECTION 10. IC 12-7-2-200 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

31 Sec. 200. (a) "Warrant", for purposes of the statutes listed in subsection (b), means an instrument that is:

- 32 (1) the equivalent of a money payment; and
 33 (2) immediately convertible into cash by the payee for the full face amount of the instrument.

34 (b) This section applies to the following statutes:

- 35 (1) IC 12-10-6.
 36 (2) IC 12-13.
 37 (3) IC 12-14.
 38 (4) IC 12-15.
 39 (5) IC 12-17-1.
 40 (6) IC 12-17-9.
 41 (7) IC 12-17-10.
 42 (8) IC 12-17-11.
 43 ~~(9) IC 12-19.~~

44 SECTION 11. IC 12-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

45 Sec. 1. The division shall administer or supervise the public welfare activities of the state. The division has the
 46 following powers and duties:

- 1 (1) The administration of old age assistance, aid to dependent children, and assistance to the needy blind
 2 and persons with disabilities, excluding assistance to children with special health care needs.
- 3 (2) The administration of the following:
- 4 (A) Any public child welfare service.
- 5 (B) The licensing and inspection under IC 12-17.2 and IC 12-17.4.
- 6 (C) The care of dependent and neglected children in foster family homes or institutions, especially
 7 children placed for adoption or those born out of wedlock.
- 8 (D) The interstate placement of children.
- 9 (3) The provision of services to county governments, including the following:
- 10 ~~(A) Organizing and supervising county offices for the effective administration of public welfare~~
 11 ~~functions:~~
- 12 ~~(B)~~ (A) Compiling statistics and necessary information concerning public welfare problems
 13 throughout Indiana.
- 14 ~~(C)~~ (B) Researching and encouraging research into crime, delinquency, physical and mental
 15 disability, and the cause of dependency.
- 16 (4) Prescribing the form of, printing, and supplying to the county departments blanks for applications,
 17 reports, affidavits, and other forms the division considers necessary and advisable.
- 18 (5) Cooperating with the federal Social Security Administration and with any other agency of the federal
 19 government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to
 20 qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social
 21 Security Act. The responsibilities include the following:
- 22 (A) Making reports in the form and containing the information that the federal Social Security
 23 Administration Board or any other agency of the federal government requires.
- 24 (B) Complying with the requirements that a board or agency finds necessary to assure the correctness
 25 and verification of reports.
- 26 (6) Appointing from eligible lists established by the state personnel board employees of the division
 27 necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who
 28 is not a citizen of the United States and who has not been a resident of Indiana for at least one (1) year
 29 immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for
 30 a position as a result of holding an open competitive examination.
- 31 (7) Assisting the office of Medicaid policy and planning in fixing fees to be paid to ophthalmologists and
 32 optometrists for the examination of applicants for and recipients of assistance as needy blind persons.
- 33 (8) When requested, assisting other departments, agencies, divisions, and institutions of the state and
 34 federal government in performing services consistent with this article.
- 35 (9) Acting as the agent of the federal government for the following:
- 36 (A) In welfare matters of mutual concern under IC 12-13 through IC 12-19.
- 37 (B) In the administration of federal money granted to Indiana in aiding welfare functions of the state
 38 government.
- 39 (10) Administering additional public welfare functions vested in the division by law and providing for the
 40 progressive codification of the laws the division is required to administer.
- 41 ~~(11) Transferring to each county that is required to submit a schedule under IC 12-19-1-9(d) an amount~~
 42 ~~equal to the scheduled amount of the county's lease and rental obligations as provided in IC 12-19-1-9.~~
- 43 ~~(12)~~ (11) Supervising day care centers and child placing agencies.
- 44 ~~(13)~~ (12) Supervising the licensing and inspection of all public child caring agencies.
- 45 ~~(14)~~ (13) Supervising the care of delinquent children and children in need of services.
- 46 ~~(15)~~ (14) Assisting juvenile courts as required by IC 31-30 through IC 31-40.

1 ~~(16)~~ (15) Supervising the care of dependent children and children placed for adoption.

2 ~~(17)~~ (16) Compiling information and statistics concerning the ethnicity and gender of a program or service
3 recipient.

4 ~~(18)~~ (17) Providing permanency planning services for children in need of services, including:

5 (A) making children legally available for adoption; and

6 (B) placing children in adoptive homes;

7 in a timely manner.

8 **(18) Operating each county office as an administrative unit within the division.**

9 SECTION 12. IC 12-13-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

10 Sec. 3. The division may ~~do the following~~:

11 ~~(1)~~ adopt rules under IC 4-22-2 and take action that is necessary or desirable to carry out IC 12-13 through
12 IC 12-19 and that is not inconsistent with IC 12-13 through IC 12-19. Each county director shall keep
13 copies of the rules on file available for inspection by any person interested.

14 ~~(2) Under a division rule, designate county offices to serve as agents of the division in the performance
15 of all public welfare activities in the county.~~

16 SECTION 13. IC 12-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

17 Sec. 5. (a) Each county auditor shall keep records and make reports relating to the ~~county welfare fund, the
18 family and children's fund, and other~~ financial transactions as required under IC 12-13 through IC 12-19 and
19 as required by the division.

20 (b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form
21 required by the division and the state board of accounts.

22 SECTION 14. IC 12-13-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

23 Sec. 8. (a) The treasurer of state may receive money:

24 (1) received from a source other than the federal Social Security Act;

25 ~~(2) not received from taxes levied in the county;~~ and

26 ~~(3) (2) that under IC 12-13 through IC 12-19 the division and county offices are authorized to collect,
27 receive, and administer.~~

28 (b) The treasurer of state may pay the money received under subsection (a) into the proper fund or the
29 proper account of the state general fund, provide for the proper custody of the money, and make disbursements
30 upon the order of the division and upon warrant of the auditor of state.

31 SECTION 15. IC 12-13-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

32 Sec. 17. The part of the care and maintenance of the inmates of the Plainfield Juvenile Correctional Facility and
33 the Indianapolis Juvenile Correctional Facility that under law is to be charged back to the counties shall be paid
34 from the county general fund. ~~and not the county welfare fund or the county family and children's fund; unless
35 otherwise provided by law.~~

36 SECTION 16. IC 12-13-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

37 Sec. 2. The division shall ~~administer the state medical assistance to wards fund and shall use money in the fund
38 to~~ defray the expenses and obligations incurred by the division for medical assistance to wards and associated
39 administrative costs.

40 SECTION 17. IC 12-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

41 Sec. 2. An application for a dependent child under this article must be made to the county office ~~of in~~ the county
42 where the dependent child resides.

43 SECTION 18. IC 12-14-2-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
44 2000]: Sec. 5.4. (a) Subject to IC 12-8-1-12 and except as provided in subsection (d), the AFDC grant for a
45 person who:

46 (1) is eligible to receive assistance under section 5 of this chapter; and

1 (2) becomes employed (including a person who is in a program established under IC 12-8-11);
2 as calculated under subsection (b), must be diverted to subsidize child care costs.

3 (b) At:

4 (1) the time of entry into employment; and

5 (2) every subsequent change of status that affects the person's AFDC eligibility and assistance levels;
6 the person's AFDC grant minus earnings and other countable income must be calculated to determine the amount
7 of the grant to be diverted to subsidize child care costs.

8 (c) A person's AFDC grant must be diverted as described in subsection (a) until:

9 (1) the person is no longer eligible for AFDC under section 5.1 of this chapter; or

10 (2) the person's monthly family income is equal to or exceeds one hundred percent (100%) of the monthly
11 federal income poverty level;
12 whichever occurs first.

13 (d) A person:

14 (1) who becomes employed (including a person who is in a program established under IC 12-8-11); and

15 (2) whose net income is equal to or more than the amount of need recognized under section 5 of this
16 chapter;

17 has the option to receive either guaranteed child care or a cash payment equal to the amount of the AFDC grant
18 for which the person qualifies immediately before the person becomes employed.

19 (e) The option under subsection (d) is available until:

20 (1) the person is no longer eligible for AFDC under section 5.1 of this chapter; or

21 (2) the person's monthly family income is equal to or exceeds one hundred percent (100%) of the monthly
22 federal income poverty level;
23 whichever occurs first.

24 ~~(f) An AFDC grant diverted under this section must be from the same sources and in the same proportion~~
25 ~~as provided in IC 12-19-6.~~

26 ~~(g)~~ (f) The division may adopt rules under IC 4-22-2 to implement this section.

27 SECTION 19. IC 12-14-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
28 Sec. 12. The county office shall notify the applicant ~~and the division~~ of the county office's decision concerning
29 assistance in writing.

30 SECTION 20. IC 12-14-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
31 Sec. 14. ~~Except in counties that are automated under IC 12-14-9.5; Assistance shall be paid monthly to the~~
32 ~~recipient upon warrant of the county auditor from the county welfare fund upon a verified schedule of the~~
33 ~~recipients and the amount payable to each recipient prepared and verified by the county director; in accordance~~
34 ~~with the awards made by the county office. A schedule shall be filed in the form required by the division. by the~~
35 ~~division.~~

36 SECTION 21. IC 12-14-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
37 Sec. 2. The county office shall prepare ~~four (4)~~ **three (3)** copies of the certificate.

38 SECTION 22. IC 12-14-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
39 Sec. 4. The copies of the certificate shall be distributed as follows:

40 (1) One (1) copy retained by and filed in the office of the county office.

41 (2) One (1) copy filed with the **central office of the** division.

42 ~~(3) One (1) copy filed in the office of the county auditor.~~

43 ~~(4)~~ **(3)** One (1) copy given to the recipient.

44 SECTION 23. IC 12-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
45 Sec. 2. If a move occurs, the county office **in the county** from which the recipient moves shall:

46 (1) give written notice; and

1 (2) immediately transfer all of the records relating to the recipient;
 2 to the county office ~~of~~ **in** the county to which the recipient has moved or been taken.

3 SECTION 24. IC 12-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 4 Sec. 3. The county office ~~of~~ **in** the county to which a child has moved or been taken is responsible for
 5 determining the eligibility and the payment of assistance to the recipient.

6 SECTION 25. IC 12-14-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 7 Sec. 1. ~~Except in counties that are automated under IC 12-14-9.5, a county office shall monthly present claims~~
 8 ~~for state reimbursement under IC 12-14-1 through IC 12-14-9 to the division at the time and in the manner the~~
 9 ~~division requires. Assistance shall be paid monthly to the recipient by warrant of the auditor of state from~~
 10 ~~the state general fund after receipt of a schedule of the recipients, the amount payable to each recipient,~~
 11 ~~and the purposes for the payment. The schedule must be prepared and verified by the director of the~~
 12 ~~division or the director's designee according to the awards made by the division. All schedules must be~~
 13 ~~filed in the form prescribed by the auditor of state. Payment shall be made from the aid to dependent~~
 14 ~~children account of the state general fund.~~

15 SECTION 26. IC 12-14-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 16 Sec. 5. The copies of the certificate shall be distributed as follows:

- 17 (1) One (1) copy retained by and filed in the **central office of the** division.
- 18 (2) One (1) copy filed with the ~~state~~ **auditor of state.**
- 19 (3) One (1) copy filed in the office of the county recorder.
- 20 (4) One (1) copy given to the recipient.

21 SECTION 27. IC 12-14-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 22 Sec. 1. (a) The division may accept voluntary contributions from a person desiring to contribute to the support
 23 of a parent or other person who receives public assistance.

24 (b) The division shall deposit contributions made under this section in the state ~~welfare~~ **general fund or**
 25 **a trust fund, as appropriate.**

26 SECTION 28. IC 12-14-22-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 27 Sec. 7. (a) A schedule of payments made to or for the benefit of each recipient under this article shall be filed
 28 by the ~~county office~~ **division** each month with the ~~county auditor and the~~ prosecuting attorney.

29 (b) The schedule shall be kept open to the public at all times for inspection, study, and securing data. The
 30 schedule must contain the names and addresses, in alphabetical order, of all recipients of benefits.

31 SECTION 29. IC 12-15-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 32 Sec. 9. (a) For each state fiscal year beginning on or after July 1, 1997, a hospital is entitled to a payment under
 33 this section.

34 (b) Total payments to hospitals under this section for a state fiscal year shall be equal to all amounts
 35 transferred from the hospital care for the indigent fund for Medicaid current obligations during the state fiscal
 36 year, including amounts of the fund appropriated for Medicaid current obligations.

37 (c) The payment due to a hospital under this section must be based on a policy developed by the office. The
 38 policy:

- 39 (1) is not required to provide for equal payments to all hospitals;
- 40 ~~(2) must attempt, to the extent practicable as determined by the office, to establish a payment rate that~~
 41 ~~minimizes the difference between the aggregate amount paid under this section to all hospitals in a county~~
 42 ~~for a state fiscal year and the amount of the county's hospital care for the indigent property tax levy for~~
 43 ~~that state fiscal year; and~~
- 44 ~~(3) (2) must provide that no hospital will receive a payment under this section less than the amount the~~
 45 ~~hospital received under IC 12-15-15-8 for the state fiscal year ending June 30, 1997.~~

46 (d) Following the transfer of funds under subsection (b), an amount equal to the amount determined in the

1 following STEPS shall be deposited in the Medicaid indigent care trust fund under IC 12-15-20-2(1) and used
2 to pay the state's share of the enhanced disproportionate share payments to providers for the state fiscal year:

3 STEP ONE: Determine the difference between:

4 (A) the amount transferred from the state hospital care for the indigent fund under subsection (b);
5 and

6 (B) thirty-five million dollars (\$35,000,000).

7 STEP TWO: Multiply the amount determined under STEP ONE by the federal medical assistance
8 percentage for the state fiscal year.

9 SECTION 30. IC 12-16-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

10 Sec. 1. To receive payment from the division for the costs incurred in providing care to an indigent person, a
11 hospital must file an application with the county office ~~of in~~ the county in which the hospital is located.

12 SECTION 31. IC 12-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

13 Sec. 2. ~~(a)~~ Except as provided in section 5 of this chapter, claims for payment shall be segregated by year using
14 the patient's admission date.

15 ~~(b) Each year the division shall pay claims as provided in section 4 of this chapter, without regard to the
16 county of admission or that county's transfer to the state fund.~~

17 SECTION 32. IC 12-16-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

18 Sec. 3. A payment made to a hospital under the hospital care for the indigent program must be on a warrant
19 drawn on the state ~~hospital care for the indigent fund established by IC 12-16-14.~~ **general fund.**

20 SECTION 33. IC 12-16-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

21 Sec. 4. (a) Each year the division shall pay two-thirds (2/3) of each claim upon submission and approval of the
22 claim.

23 (b) If the amount of money in the state hospital care for the indigent fund in a year is insufficient to pay
24 two-thirds (2/3) of each approved claim for patients admitted in that year, the state's ~~and a county's~~ liability to
25 providers under the hospital care for the indigent program for claims approved for patients admitted in that year
26 is limited to the sum of the following:

27 ~~(1) The amount transferred to the state hospital care for the indigent fund from county hospital care for
28 the indigent funds in that year under IC 12-16-14.~~

29 ~~(2) (1) Any contribution to the fund in that year.~~

30 ~~(3) (2) Any amount that was appropriated to the state hospital care for the indigent fund program for that
31 year by the general assembly.~~

32 ~~(4) Any amount that was carried over to the state hospital care for the indigent fund from a preceding year.~~

33 ~~(c) This section does not obligate the general assembly to appropriate money to the state hospital care for
34 the indigent fund.~~

35 SECTION 34. IC 12-16-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

36 Sec. 5. Before the end of each state fiscal year, the division shall, to the extent there is money ~~in~~ **appropriated**
37 **to** the state hospital care for the indigent ~~fund;~~ **program,** pay each provider under the hospital care for the
38 indigent program a pro rata part of the one-third (1/3) balance on each approved claim for patients admitted
39 during the preceding year.

40 SECTION 35. IC 12-17-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

41 Sec. 7. An application for assistance for a destitute child under this chapter must be made to the county office
42 ~~of in~~ the county in which the destitute child resides. The application must be in writing. The division shall
43 prescribe the manner and the form upon which the application must be made.

44 SECTION 36. IC 12-17-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

45 Sec. 10. (a) Upon the completion of an investigation under section 9 of this chapter, the county office shall do
46 the following:

1 (1) Determine whether the child is eligible for assistance under this chapter and the division's rules.

2 (2) Determine the amount of the assistance and the date on which the assistance is to begin.

3 (3) Make an award, including any subsequent modification of the award, with which the county office
4 shall comply until the award or modified award is vacated.

5 (4) Notify the applicant and the division of the county office's decision in writing.

6 (b) The county office shall provide assistance to the recipient at least monthly upon warrant of the county
7 auditor. The assistance must be

8 ~~(1) made from the county welfare fund; and~~

9 ~~(2) based upon a verified schedule of the recipients.~~

10 (c) The director of the county office shall prepare and verify the amount payable to the recipient, in relation
11 to the awards made by the county office. The division shall prescribe the form upon which the schedule under
12 subsection ~~(b)(2)~~ **(b)** must be filed.

13 SECTION 37. IC 12-17-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
14 Sec. 12. (a) If assistance is granted to a destitute child under this chapter, facts supporting the award of
15 assistance, as prescribed by the division, must be entered on a certificate.

16 (b) The division shall prescribe the form for the certificate under subsection (a). The certificate must bear
17 the impress of the division's seal.

18 (c) The county office shall prepare ~~four (4)~~ **three (3)** copies of the certificate under subsection (a). The
19 county office shall distribute copies of the certificate as follows:

20 (1) One (1) copy must be retained by the office of the county office.

21 (2) One (1) copy must be filed with and retained by the **central office of the** division.

22 ~~(3) One (1) copy must be filed with and retained by the office of the county auditor.~~

23 ~~(4) (3)~~ One (1) copy must be given to the recipient.

24 SECTION 38. IC 12-17-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
25 Sec. 2. (a) ~~This section does not apply to a county department's:~~

26 ~~(1) administrative expenses; or~~

27 ~~(2) expenses regarding facilities, supplies, and equipment.~~

28 ~~(b) Necessary expenses incurred in the administration of the child welfare services under section 1 of this~~
29 ~~chapter shall be paid out of the county welfare fund or the county family and children's state general fund.~~
30 ~~(whichever is appropriate):~~

31 SECTION 39. IC 12-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
32 Sec. 1. A county office of family and children is established in each county **as an office within the division of**
33 **family and children.**

34 SECTION 40. IC 12-19-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
35 Sec. 9. (a) The division shall provide the necessary facilities to house the county office.

36 (b) The division shall pay for the costs of the facilities, supplies, and equipment needed by each county
37 office. ~~including the transfer to the county that is required by IC 12-13-5.~~

38 (c) Each county is responsible for the payment of the county's lease and rental obligations for office space
39 used by the county office if:

40 ~~(1) the county entered into the lease or rental agreement before January 1, 1987; and~~

41 ~~(2) the lease or rental agreement requires the county to pay for office space that will be used by the county~~
42 ~~office.~~

43 ~~(d) Each county that has a rental or lease obligation described in subsection (c) shall provide to the division~~
44 ~~a lease or rental payment schedule showing the date and amount of each payment.~~

45 SECTION 41. IC 12-19-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
46 Sec. 10. (a) ~~Subject to the rules adopted by the director of The division a county office~~ shall administer the

1 following **through a county office:**

- 2 (1) Assistance to dependent children in the homes of the dependent children.
- 3 (2) Assistance and services to elderly persons.
- 4 (3) Assistance to persons with disabilities.
- 5 (4) Care and treatment of the following persons:
 - 6 (A) Children in need of services.
 - 7 (B) Dependent children.
 - 8 (C) Children with disabilities.
- 9 (5) Licensing of foster family homes for the placement of children in need of services.
- 10 (6) Supervision of the care and treatment of children in need of services in foster family homes.
- 11 (7) Licensing of foster family homes for the placement of delinquent children.
- 12 (8) Supervision of the care and treatment of delinquent children in foster family homes.
- 13 (9) Provision of family preservation services.
- 14 (10) Any other welfare activities that are delegated to the county office by the division under this chapter,
- 15 including services concerning assistance to the blind.

16 **(b) The division shall pay the expenses and obligations incurred after December 31, 1999, to carry**
17 **out responsibilities of the county office.**

18 SECTION 42. IC 12-19-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
19 Sec. 13. (a) A county office **or the division** may sue and be sued under the name of "The County Office of
20 Family and Children of _____ County".

21 (b) The county office has all other rights and powers and shall perform all other duties necessary to
22 administer this chapter.

23 (c) A suit brought against **the division that involves** a county office may be filed in the following:

- 24 (1) The circuit court with jurisdiction in the county.
- 25 (2) A superior court or any other court of the county.

26 (d) A notice or summons in a suit brought against the **division that involves a** county office must be served
27 on the county director **or the director of the division of family and children.** It is not required to name the
28 individual employees of the county office as either plaintiff or defendant.

29 SECTION 43. IC 12-19-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
30 Sec. 14. (a) A county office may charge the following adoption fees:

- 31 (1) An adoption placement fee that may not exceed the actual costs incurred by the county office for
32 medical expenses of children and mothers.
- 33 (2) A fee that does not exceed the time and travel costs incurred by the county office for home study and
34 investigation concerning a contemplated adoption.

35 (b) Fees charged under this section shall be deposited in a separate account in the **county state** welfare trust
36 clearance fund established under section 16 of this chapter. Money deposited under this subsection **shall be**
37 **expended by is annually appropriated to** the county office for the following purposes: **without further**
38 **appropriation:**

- 39 (1) The care of children whose adoption is contemplated.
- 40 (2) The improvement of adoption services provided by the county departments.
- 41 (c) The director of the division may adopt rules governing the expenditure of money under this section.
- 42 (d) The division may provide written authorization allowing a county office to reduce or waive charges
43 authorized under this section in hardship cases or for other good cause after investigation. The division may
44 adopt forms on which the written authorization is provided.

45 SECTION 44. IC 12-19-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
46 Sec. 16. (a) ~~This section does not apply to money received to reimburse the county welfare fund for expenditures~~

1 ~~made from the appropriations of the county office. The state welfare trust clearance fund is established. The~~
 2 ~~fund shall be administered by the division. Money in the fund at the end of a state fiscal year does not~~
 3 ~~revert to the state general fund.~~

4 (b) A county office may receive and administer money available to or for the benefit of a person receiving
 5 payments or services from the county office. The following applies to all money received under this section:

6 (1) The money shall be kept in a special fund known as the ~~county state~~ welfare trust clearance fund and
 7 may not be commingled with any other fund or with money received from taxation.

8 (2) The money may be expended by the county office in any manner consistent with the following:

9 (A) The purpose of the ~~county state~~ welfare trust clearance fund or with the intention of the donor
 10 of the money.

11 (B) Indiana law.

12 (C) **The policies of the division.**

13 SECTION 45. IC 12-19-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

14 Sec. 18. (a) After petition to and with the approval of the judge of the circuit court, ~~a county office~~ **the division**
 15 may take the actions described in subsection (b) if:

16 (1) an applicant for public assistance is physically or mentally incapable of completing an application for
 17 assistance; or

18 (2) a recipient of public assistance:

19 (A) is incapable of managing the recipient's affairs; or

20 (B) refuses to:

21 (i) take care of the recipient's money properly; or

22 (ii) comply with the director of the division's rules and policies.

23 (b) If the conditions of subsection (a) are satisfied, ~~the county office~~ **division** may designate a responsible
 24 person to do the following:

25 (1) Act for the applicant or recipient.

26 (2) Receive on behalf of the recipient the assistance the recipient is eligible to receive under any of the
 27 following:

28 (A) This chapter.

29 (B) IC 12-10-6.

30 (C) IC 12-14-1 through IC 12-14-9.

31 (D) IC 12-14-13 through IC 12-14-19.

32 (E) IC 12-15.

33 (F) IC 12-17-1 through IC 12-17-3.

34 (G) IC 16-35-2.

35 (c) A fee for services provided under this section may be paid to the responsible person in an amount not
 36 to exceed ten dollars (\$10) each month. The fee may be allowed:

37 (1) in the monthly assistance award; or

38 (2) by vendor payment if the fee would cause the amount of assistance to be increased beyond the
 39 maximum amount permitted by statute.

40 SECTION 46. IC 12-19-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ
 41 AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 21. (a) As used in this chapter, "child services"**
 42 **means child welfare services specifically provided for children who:**

43 **(1) are adjudicated to be:**

44 **(A) children in need of services; or**

45 **(B) delinquent children; or**

46 **(2) are recipients of or are eligible for:**

- 1 (A) informal adjustments;
- 2 (B) service referral agreements; and
- 3 (C) adoption assistance;

4 including the costs of using an institution or facility for providing educational services as described in
 5 either IC 20-8.1-3-36 (if applicable) or IC 20-8.1-6.1-8 (if applicable), all services required to be paid by
 6 the division under IC 31-40-1, and all costs required to be paid by the division under IC 20-8.1-6.1-7.

7 (b) The division shall pay the expenses and obligations incurred after December 31, 1999, to deliver
 8 child services.

9 SECTION 47. IC 12-19-1-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ
 10 AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) This section applies notwithstanding the repeal
 11 of IC 12-19-3 through IC 12-19-7 (effective January 1, 2000).

12 (b) All bonds issued under IC 12-1-11 (before its repeal) or this article before January 1, 2000, or
 13 under subsection (c):

- 14 (1) are direct general obligations of the county issuing the bonds; and
- 15 (2) are payable out of unlimited ad valorem taxes that shall be levied and collected on all the taxable
 16 property within the county.

17 (c) If the county welfare fund established under IC 12-19-3 (repealed January 1, 2000) or family and
 18 children's fund established under IC 12-19-7 (repealed January 1, 2000) is exhausted before January 1,
 19 2000, the county may obtain loans and issue bonds under IC 12-19-3 or IC 12-19-7, as appropriate, to
 20 provide money for the fund as if IC 12-19-3 and IC 12-19-7 had not been repealed.

21 (d) Each official and body responsible for the levying of taxes for the county must ensure that
 22 sufficient levies are made to meet the principal and interest on the bonds at the time fixed for the payment
 23 of the principal and interest, without regard to any other statute. If an official or a body fails or refuses
 24 to make or allow a sufficient levy required by this section, the bonds and the interest on the bonds shall
 25 be payable out of the general fund of the county without appropriation.

26 SECTION 48. IC 16-33-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 27 Sec. 10. Whenever the circuit court having jurisdiction finds, upon application by the county office of family
 28 and children, that the parent or guardian of a client placed in the center is unable to meet the costs that the parent
 29 or guardian is required to pay for the services of the center, the court shall order payment of the costs ~~from the~~
 30 ~~county general fund~~ **by the division of family and children.**

31 SECTION 49. IC 16-33-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:
 32 Sec. 17. (a) Each child, the estate of the child, the parent or parents of the child, or the guardian of the child,
 33 individually or collectively, are liable for the payment of the costs of maintenance of the child of up to one
 34 hundred percent (100%) of the per capita cost, except as otherwise provided. The cost shall be computed
 35 annually by dividing the total annual cost of operation for the fiscal year, exclusive of the cost of education
 36 programs, construction, and equipment, by the total child days each year. The maintenance cost shall be referred
 37 to as maintenance charges. The charge may not be levied against any of the following:

- 38 (1) The division of family and children or ~~the county office of family and children to be derived from~~
 39 county tax sources.
- 40 (2) A child orphaned by reason of the death of the natural parents.

41 (b) The billing and collection of the maintenance charges as provided for in subsection (a) shall be made
 42 by the superintendent of the home based on the per capita cost for the preceding fiscal year. All money collected
 43 shall be deposited in a fund to be known as the Indiana soldiers' and sailors' children's home maintenance fund.
 44 The fund shall be used by the state health commissioner for the:

- 45 (1) preventative maintenance; and
- 46 (2) repair and rehabilitation;

1 of buildings of the home that are used for housing, food service, or education of the children of the home.

2 (c) The superintendent of the home may, with the approval of the state health commissioner, agree to accept
 3 payment at a lesser rate than that prescribed in subsection (a). The superintendent of the home shall, in
 4 determining whether or not to accept the lesser amount, take into consideration the amount of money that is
 5 necessary to maintain or support any member of the family of the child. All agreements to accept a lesser amount
 6 are subject to cancellation or modification at any time by the superintendent of the home with the approval of
 7 the state health commissioner.

8 (d) A person who has been issued a statement of amounts due as maintenance charges may petition the
 9 superintendent of the home for a release from or modification of the statement and the superintendent shall
 10 provide for hearings to be held on the petition. The superintendent of the home may, with the approval of the
 11 state health commissioner and after the hearing, cancel or modify the former statement and at any time for due
 12 cause may increase the amounts due for maintenance charges to an amount not to exceed the maximum cost as
 13 determined under subsection (a).

14 (e) The superintendent of the home may arrange for the establishment of a graduation or discharge trust
 15 account for a child by arranging to accept a lesser rate of maintenance charge. The trust fund must be of
 16 sufficient size to provide for immediate expenses upon graduation or discharge.

17 (f) The superintendent may make agreements with instrumentalities of the federal government for
 18 application of any monetary awards to be applied toward the maintenance charges in a manner that provides a
 19 sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate
 20 personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied
 21 toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

22 (g) The superintendent of the home may do the following:

23 (1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial
 24 condition of each person liable under this chapter.

25 (2) Make determinations of the ability of:

26 (A) the estate of the child;

27 (B) the legal guardian of the child; or

28 (C) each of the responsible parents of the child;

29 to pay maintenance charges.

30 (3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the
 31 following:

32 (A) Reflect changes in the cost of living and other pertinent factors.

33 (B) Provide for unusual and exceptional circumstances in the application of the standard.

34 (4) Issue to any person liable under this chapter statements of amounts due as maintenance charges,
 35 requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding
 36 the maximum cost as determined under this chapter.

37 SECTION 50. IC 20-8.1-3-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
 38 2000]: Sec. 36. (a) It is unlawful for a person operating or responsible for an educational, correctional,
 39 charitable, or benevolent institution or training school to fail to ensure that a child under his authority attends
 40 school as required under this chapter. Each day of violation of this section constitutes a separate offense.

41 (b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge
 42 the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **division of family and**
 43 **children** for the use of the space within the institution or facility (commonly called capital costs) that is used
 44 to provide educational services to the child based upon a prorated per student cost.

45 SECTION 51. IC 20-8.1-6.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
 46 2000]: Sec. 7. (a) If a student is transferred under section 2 of this chapter from a school corporation in Indiana

1 to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the
2 full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee must not exceed
3 the amount charged by the transferor corporation for the same class of school, or if the school has no such
4 classification, the amount must not exceed the amount charged by the geographically nearest school corporation
5 in Indiana which has such classification.

6 (b) If a child is:

- 7 (1) placed by a court order in an out-of-state institution or other facility; and
- 8 (2) provided all educational programs and services by a public school corporation in the state where the
9 child is placed, whether at the facility, the public school, or another location;

10 the ~~county office~~ **division** of family and children ~~for the county placing the child~~ shall pay ~~from the county~~
11 ~~family and children's fund~~ to the public school corporation in which the child is enrolled the amount of transfer
12 tuition specified in subsection (c).

13 (c) The transfer tuition for which ~~a county office~~ **the division of family and children** is obligated under
14 subsection (b) is equal to the following:

15 (1) The amount under a written agreement among the ~~county office;~~ **division of family and children**, the
16 institution or other facility, and the governing body of the public school corporation in the other state that
17 specifies the amount and method of computing transfer tuition.

18 (2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However,
19 the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for
20 the same class of school, or if the school has no such classification, the amount must not exceed the
21 amount charged by the geographically nearest school corporation in Indiana which has such classification.

22 (d) If a child is:

- 23 (1) placed by a court order in an out-of-state institution or other facility; and
- 24 (2) provided:
 - 25 (A) onsite educational programs and services either through the facility's employees or by contract
 - 26 with another person or organization that is not a public school corporation; or
 - 27 (B) educational programs and services by a nonpublic school;

28 the ~~county office~~ **division** of family and children ~~for the county placing the child~~ shall pay ~~from the county~~
29 ~~family and children's fund~~ in an amount ~~and~~ in the manner specified in a written agreement between the ~~county~~
30 ~~office~~ **division** and the institution or other facility.

31 (e) ~~An agreement described in subsection (c) or (d) is subject to the approval of the director of the division~~
32 ~~of family and children. However,~~ For purposes of IC 4-13-2, ~~the~~ **an agreement described in subsection (c) or**
33 **(d)** shall not be treated as a contract.

34 SECTION 52. IC 20-8.1-6.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
35 2000]: Sec. 8. (a) As used in this section, the following terms have the following meanings:

36 (1) "Class of school" refers to a classification of each school or program in the transferee corporation by
37 the grades or special programs taught at the school. Generally, these classifications are denominated as
38 kindergarten, elementary school, middle school or junior high school, high school, and special schools
39 or classes, such as schools or classes for special education, vocational training, or career education.

40 (2) "ADM" means the following:

- 41 (A) For purposes of allocating to a transfer student state distributions under IC 21-1-30 (primetime),
42 "ADM" as computed under IC 21-1-30-2.
- 43 (B) For all other purposes, "ADM" as set forth in IC 21-3-1.6-1.1.

44 (3) "Pupil enrollment" means the following:

45 (A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee
46 school corporation on a date determined by the Indiana state board of education.

1 (B) The total number of students enrolled in a class of school in a transferee school corporation on
2 a date determined by the Indiana state board of education.

3 However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) a student.

4 (4) "Special equipment" means equipment that during a school year:

5 (A) is used only when a child with disabilities is attending school;

6 (B) is not used to transport a child to or from a place where the child is attending school;

7 (C) is necessary for the education of each child with disabilities that uses the equipment, as
8 determined under the individualized instruction program for the child; and

9 (D) is not used for or by any child who is not a child with disabilities.

10 The Indiana state board of education may select a different date for counts under subdivision (3). However, the
11 same date shall be used for all school corporations making a count for the same class of school.

12 (b) Each transferee corporation is entitled to receive for each school year on account of each transferred
13 student, except a student transferred under section 3 of this chapter, transfer tuition from the transferor
14 corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP
15 THREE of the following formula:

16 STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by
17 the transfer student and a proportionate share of the operating costs incurred by the transferee school for
18 the class of school where the transfer student is enrolled.

19 STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a
20 school year, allocate to the transfer student a proportionate share of the following general fund revenues
21 of the transferee school for, except as provided in clause (C), the calendar year in which the school year
22 ends:

23 (A) The following state distributions that are computed in any part using ADM or other pupil count
24 in which the student is included:

25 (i) Primetime grant under IC 21-1-30.

26 (ii) Tuition support for basic programs and at-risk weights under IC 21-3-1.7-8 (before January
27 1, 1996) and only for basic programs (after December 31, 1995).

28 (iii) Enrollment growth grant under IC 21-3-1.7-9.5.

29 (iv) At-risk grant under IC 21-3-1.7-9.7.

30 (v) Academic honors diploma award under IC 21-3-1.7-9.8.

31 (vi) Vocational education grant under IC 21-3-1.8-3.

32 (vii) Special education grant under ~~IC 21-3-1.8~~ **IC 21-3-1.8-2** (repealed January 1, 1996) or
33 IC 21-3-10.

34 (viii) The portion of the ADA flat grant that is available for the payment of general operating
35 expenses under IC 21-3-4.5-2(b)(1).

36 (B) For school years beginning after June 30, 1997, property tax levies.

37 (C) For school years beginning after June 30, 1997, excise tax revenue (as defined in IC 21-3-1.7-2)
38 received for deposit in the calendar year in which the school year begins.

39 (D) For school years beginning after June 30, 1997, allocations to the transferee school under
40 IC 6-3.5.

41 STEP THREE: Determine the greater of:

42 (A) zero (0); or

43 (B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

44 If a child is placed in an institution or facility in Indiana under a court order, the institution or facility shall
45 charge the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **division of family and**
46 **children** for the use of the space within the institution or facility (commonly called capital costs) that is used

1 to provide educational services to the child based upon a prorated per student cost.

2 (c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The
3 operating cost for each class of school is based on the total expenditures of the transferee corporation for the
4 class of school from its general fund expenditures as specified in the classified budget forms prescribed by the
5 state board of accounts. This calculation excludes:

- 6 (1) capital outlay;
- 7 (2) debt service;
- 8 (3) costs of transportation;
- 9 (4) salaries of board members;
- 10 (5) contracted service for legal expenses; and
- 11 (6) any expenditure which is made out of the general fund from extracurricular account receipts;

12 for the school year.

13 (d) The capital cost of special equipment for a school year is equal to:

- 14 (1) the cost of the special equipment; divided by
- 15 (2) the product of:
 - 16 (A) the useful life of the special equipment, as determined under the rules adopted by the Indiana
 - 17 state board of education; multiplied by
 - 18 (B) the number of students using the special equipment during at least part of the school year.

19 (e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it
20 shall be prorated to all classes of schools on the basis of the pupil enrollment of each class in the transferee
21 corporation compared to the total pupil enrollment in the school corporation.

22 (f) Operating costs shall be allocated to a transfer student for each school year by dividing:

- 23 (1) the transferee school corporation's operating costs for the class of school in which the transfer student
24 is enrolled; by
- 25 (2) the pupil enrollment of the class of school in which the transfer student is enrolled.

26 When a transferred student is enrolled in a transferee corporation for less than the full school year of pupil
27 attendance, the transfer tuition shall be calculated by the portion of the school year for which the transferred
28 student is enrolled. A school year of pupil attendance consists of the number of days school is in session for
29 pupil attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the
30 student is no longer entitled to be transferred because of a change of residence, because the student has been
31 excluded or expelled from school for the balance of the school year or for an indefinite period, or because the
32 student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may
33 enter into written agreements concerning the amount of transfer tuition due in any school year. Where an
34 agreement cannot be reached, the amount shall be determined by the Indiana state board of education and costs
35 may be established, when in dispute, by the state board of accounts.

36 (g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student
37 by dividing:

- 38 (1) the total amount of revenues received; by
- 39 (2) the ADM of the transferee school for the school year that ends in the calendar year in which the
40 revenues are received.

41 However, for state distributions under IC 21-1-30, IC 21-3-10, or any other statute that computes the amount
42 of a state distribution using less than the total ADM of the transferee school, the transferee school shall allocate
43 the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in
44 a calendar year by the pupil count used to compute the state distribution.

45 (h) In lieu of the payments provided in subsection (b), the transferor corporation or state owing transfer
46 tuition may enter into a long term contract with the transferee corporation governing the transfer of students.

1 This contract is for a maximum period of five (5) years with an option to renew and may specify a maximum
 2 number of pupils to be transferred and fix a method for determining the amount of transfer tuition and the time
 3 of payment, which may be different from that provided in section 9 of this chapter.

4 (i) If the school corporation can meet the requirements of IC 21-1-30-5, it may negotiate transfer tuition
 5 agreements with a neighboring school corporation that can accommodate additional students. Agreements under
 6 this section may be for one (1) year or longer and may fix a method for determining the amount of transfer
 7 tuition or time of payment that is different from the method, amount, or time of payment that is provided in this
 8 section or section 9 of this chapter. A school corporation may not transfer a student under this section without
 9 the prior approval of the child's parent or guardian.

10 (j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative
 11 for a particular school year as described in IC 6-1.1-19-5.1, the school corporation may appeal for an excessive
 12 levy as provided under IC 6-1.1-19-5.1.

13 SECTION 53. IC 20-8.1-6.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
 14 2000]: Sec. 12. (a) Annually before the date specified in the rules adopted by the Indiana state board of
 15 education, each school corporation shall report the information specified in subsection (b) for each student:

- 16 (1) for whom tuition support is paid by another school corporation;
- 17 (2) for whom tuition support is paid by the state; and
- 18 (3) who is enrolled in the school corporation but has the equivalent of a legal settlement in another state
 19 or country;

20 to the county office (as defined in IC 12-7-2-45) for the county in which the principal office of the school
 21 corporation is located and to the department of education.

22 (b) Each school corporation shall provide the following information for each school year beginning with
 23 the school year beginning July 1, 1994, for each category of student described in subsection (a):

- 24 (1) The amount of tuition support and other support received for the students described in subsection (a).
- 25 (2) The operating expenses, as determined under section 8 of this chapter, incurred for the students
 26 described in subsection (a).
- 27 (3) Special equipment expenditures that are directly related to educating students described in subsection
 28 (a).
- 29 (4) The number of transfer students described in subsection (a).
- 30 (5) Any other information required under the rules adopted by the Indiana state board of education after
 31 consultation with the office of the secretary of family and social services.

32 (c) The information required under this section shall be reported in the format and on the forms specified
 33 by the Indiana state board of education.

34 (d) Not later than November 30 of each year beginning after December 31, 1994, the department of
 35 education shall compile the information required from school corporations under this section and submit the
 36 compiled information in the form specified by the office of the secretary of family and social services to the
 37 office of the secretary of family and social services.

38 (e) Not later than November 30 of each year beginning after December 31, 1994, each county office shall
 39 submit the following information to the office of the secretary of family and social services for each child who
 40 is described in ~~IC 12-19-7-1(1)~~ **IC 12-19-1-21(a)(1)** and is placed in another state or is a student in a school
 41 outside the school corporation where the child has legal settlement:

- 42 (1) The name of the child.
- 43 (2) The name of the school corporation where the child has legal settlement.
- 44 (3) The last known address of the custodial parent or guardian of the child.
- 45 (4) Any other information required by the office of the secretary of family and social services.

46 (f) Not later than December 31 of each year beginning after December 31, 1994, the office of the secretary

1 of family and social services shall submit a report to the members of the budget committee and the executive
 2 director of the legislative services agency that compiles and analyzes the information required from school
 3 corporations under this section. The report shall identify the types of state and local funding changes that are
 4 needed to provide adequate state and local money to educate transfer students.

5 SECTION 54. IC 31-19-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

6 Sec. 1. (a) When a petition for adoption is filed seeking a subsidy and the payment of a subsidy is ordered by
 7 the court, the order must contain the following information:

8 (1) Whether a subsidy will be paid under section 2 or 3 of this chapter, or both.

9 (2) The amount of each subsidy to be paid.

10 (3) If a subsidy will be paid under section 3 of this chapter, the condition or cause covered by the subsidy.

11 (4) Any condition for the continued payment of a subsidy other than a requirement set forth in this
 12 chapter.

13 (b) The ~~county office~~ **division** of family and children ~~of the county responsible for foster care of an adoptive~~
 14 ~~child~~ may be ordered to pay either or both of the subsidies under this chapter to the adoptive parents or
 15 designated payees to the extent that money is available.

16 SECTION 55. IC 31-40-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

17 Sec. 1. This article applies to a financial burden sustained by **the state and** a county as the result of costs paid
 18 ~~by the county~~ under section 2 of this chapter, including costs resulting from the institutional placement of a child
 19 adjudicated a delinquent child or a child in need of services.

20 SECTION 56. IC 31-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

21 Sec. 2. (a) The ~~county~~ **state** shall pay the cost of:

22 (1) any services ordered by the juvenile court for any child or the child's parent, guardian, or custodian;
 23 and

24 (2) returning a child under IC 31-37-23;

25 **except for probation, guardian ad litem, and court appointed special advocate services. The county shall**
 26 **pay the cost of probation, guardian ad litem, and court appointed special advocate services.**

27 (b) The **state and the** county fiscal body shall provide sufficient money to meet the court's requirements.

28 (c) The child's parent or the guardian of the estate of a child shall reimburse the **state and** county for the
 29 costs paid under subsection (a) (or IC 31-6-4-18(b) before its repeal) as provided under this article.

30 (d) After receiving a petition for reimbursement from **the state or** a county that has paid for services under
 31 subsection (a) (or IC 31-6-4-18(b) before its repeal), the court shall hold a hearing to determine whether to order
 32 reimbursement by the child's parents or the guardian of the child's estate to the **state or** county, **or both**, as
 33 described under this article.

34 SECTION 57. IC 31-40-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

35 Sec. 4. The parent or guardian of the estate of any child returned to Indiana under the interstate compact on
 36 juveniles under IC 31-37-23 shall reimburse the **state and** county for all costs involved in returning the child
 37 that the court orders the parent or guardian to pay under section 3 of this chapter (or IC 31-6-4-18(e) before its
 38 repeal) whether or not the child has been adjudicated a delinquent child or a child in need of services.

39 SECTION 58. IC 31-40-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]:

40 Sec. 5. (a) Whenever the court orders institutional placement of a child:

41 (1) the court shall refer to the child support guidelines adopted by the Indiana supreme court to determine
 42 the financial contribution required from each parent of the child or the guardian of the child's estate;

43 (2) the court shall order support paid by each of the child's parents or the guardian of the child's estate,
 44 except as provided under section 3 of this chapter; and

45 (3) if an existing support order is in effect, the court shall order support payments to be assigned to the
 46 county office of family and children for the duration of the institutional placement.

1 (b) When implementing this section, the ~~county office~~ **division** of family and children shall:

2 (1) comply with 45 CFR 302.52 and 45 CFR 303.2; and

3 (2) remit all other support payments to the ~~county state~~ general fund.

4 (c) A support order entered under subsection (a) (or IC 31-6-4-18(f) before its repeal) shall be paid through
5 the clerk of the circuit court as trustee for remittance to the ~~county~~ **state**.

6 (d) The ~~county office~~ **division** of family and children shall monitor the enforcement of support orders under
7 subsection (a).

8 (e) The ~~county prosecuting~~ attorney for the ~~office of family and children~~ **county** shall seek enforcement
9 of the support orders.

10 SECTION 59. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2000]: IC 6-1.1-17-18;
11 IC 6-1.1-18.6; IC 12-7-2-117; IC 12-13-7-10; IC 12-13-7-11; IC 12-13-7-14; IC 12-13-7-15; IC 12-13-7-16;
12 IC 12-13-7-20; IC 12-13-8; IC 12-13-9-1; IC 12-13-9-3; IC 12-13-9-4; IC 12-14-2-13; IC 12-14-9-2;
13 IC 12-14-9-3; IC 12-14-9.5; IC 12-15-1-2; IC 12-15-1-3; IC 12-16-14; IC 12-16-15; IC 12-17-1-15;
14 IC 12-17-3-3; IC 12-19-1-15; IC 12-19-1-17; IC 12-19-3; IC 12-19-4; IC 12-19-5; IC 12-19-6; IC 12-19-7;
15 IC 12-24-6; IC 12-24-9-2; IC 12-24-9-3; IC 12-24-9-4; IC 12-24-13-6; IC 16-35-3; IC 16-35-4.

16 SECTION 60. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "county office property tax
17 levies" means the property tax levies under or for any of the following:

18 (1) IC 12-13-8 (county medical assistance to wards fund).

19 (2) IC 12-16-14 (county hospital care for the indigent fund).

20 (3) IC 12-19-3 (county welfare fund and tax levy).

21 (4) IC 12-19-4 (county welfare administration fund and tax levy).

22 (5) IC 12-19-7 (county family and children's fund).

23 (6) IC 16-35-3 (children with special health care needs county fund and tax levy).

24 (b) Notwithstanding any other law, after December 31, 1999, the state shall fund one hundred percent
25 (100%) of the programs, services, and activities paid from county office property tax levies before
26 January 1, 2000.

27 (c) Notwithstanding any other law, after December 31, 2000, a county may not impose a county office
28 property tax levy. The maximum permissible levy for any fund:

29 (1) that is not terminated after December 31, 1999; and

30 (2) for which a county office property tax levy was imposed before January 1, 2000;

31 shall be reduced to eliminate the part of the maximum levy related to a county office property tax levy
32 before January 1, 2000.

33 SECTION 61. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "county office property tax
34 levies" means the property tax levies under or for any of the following:

35 (1) IC 12-13-8 (county medical assistance to wards fund).

36 (2) IC 12-16-14 (county hospital care for the indigent fund).

37 (3) IC 12-19-3 (county welfare fund and tax levy).

38 (4) IC 12-19-4 (county welfare administration fund and tax levy).

39 (5) IC 12-19-7 (county family and children's fund).

40 (6) IC 16-35-3 (children with special health care needs county fund and tax levy).

41 (b) As used in this SECTION, "miscellaneous revenue" means tax revenue that is distributed under:

42 (1) the bank tax (IC 6-5-10);

43 (2) the savings and loan association tax (IC 6-5-11);

44 (3) the production credit association tax (IC 6-5-12);

45 (4) the financial institutions tax (IC 6-5.5); or

46 (5) any other statute providing for a distribution of revenue;

1 to a political subdivision based in any part on the ad valorem property tax levy imposed by the political
2 subdivision.

3 (c) For calendar year 2000 and any other year that in any part conditions a distribution of
4 miscellaneous revenue on the county property tax levies first due and payable in calendar year 1999 or
5 a previous year, the distribution must be made based on the adjusted property tax levy determined under
6 this SECTION.

7 (d) The state board of tax commissioners shall determine an adjusted property tax levy for each year
8 on which a distribution described in subsection (c) is based. The adjusted property tax levy must exclude
9 the county office property tax levies imposed in that year.

10 (e) Before July 15, 1999, the state board of tax commissioners shall certify the adjusted levy
11 determined under subsection (d) to the auditor of state, each county auditor, and the department of state
12 revenue.

13 (f) For purposes of property tax levies first due and payable after December 31, 1999, the state board
14 of tax commissioners shall adjust property tax levies of a political subdivision to eliminate that part of a
15 property tax levy that was imposed before January 1, 2000, to make a transfer described in
16 IC 12-15-18-5.1.

17 (g) The unallotted balance on December 31, 1999, of any county office property tax levies in a fund
18 other than the state general fund shall, on January 1, 2000, be transferred to the state general fund to
19 carry out the programs for which the money was levied. The unallotted balance on December 31, 1999,
20 of each county welfare trust clearance fund shall be transferred on January 1, 2000, to an account in the
21 state welfare trust clearance fund. However, by agreement between a county executive and the division
22 of family and children, a county may retain a balance of county office property tax levies after December
23 31, 1999, in a fund to pay obligations incurred but not allotted for payment before January 1, 2000. The
24 amount and time that balances shall be retained shall be governed by the agreement. Money transferred
25 to the state under this subsection shall be treated as money from state revenues.

26 (h) The state board of tax commissioners shall reduce the maximum permissible ad valorem property
27 tax levy of a county to reflect the transfer by this act of expenditures payable from a county general fund
28 to the state.

29 (i) This SECTION expires December 31, 2000.

30 SECTION 62. [EFFECTIVE JULY 1, 1999] (a) After December 31, 1999, a reference in a law, rule, or
31 other document to a county office of family and children shall be treated as a reference to:

- 32 (1) the county office of family and children within the division of family and children; or
- 33 (2) the division of family and children.

34 (b) The division of family and children may adopt and operate under interim guidelines to implement
35 this SECTION. Interim guidelines adopted under this SECTION expire on the earliest of the following:

- 36 (1) A replacement interim guideline is adopted under this SECTION.
- 37 (2) A rule is adopted under IC 4-22-2 to replace the interim guideline.
- 38 (3) January 1, 2001.

39 (c) To the extent that the personnel, agreements and other obligations, and records and other
40 property of a county office are not the personnel, agreements and other obligations, and records and other
41 property of the division, after December 31, 1999, the:

- 42 (1) personnel;
- 43 (2) agreements and other obligations; and
- 44 (3) records and other property;

45 of a county office of family and children on December 31, 1999, shall be treated as the personnel,
46 agreements and other obligations, and records and other property of the division of family and children.

1 (d) After December 31, 1999, a court order issued before January 1, 2000, and requiring or
 2 authorizing a county office of family and children to take an action shall be treated as an order requiring
 3 or authorizing the division of family and children to take the action. However, this subsection does not
 4 authorize the division of family and children to impose a property tax levy.

5 (e) After December 31, 1999:

6 (1) trust funds administered by; and

7 (2) wardships and guardianships granted to;

8 a county office of family and children before January 1, 2000, shall be administered by the division of
 9 family and children.

10 (f) The following funds are abolished:

11 (1) State medical assistance to wards fund.

12 (2) The state welfare fund.

13 (3) Institution clothing fund established under IC 12-24-6-1 (repealed by this act).

14 Unallotted money in a fund described in this subsection on December 31, 1999, shall on January 1, 2000,
 15 be transferred to an account in the state general fund.

16 (g) The unallotted balances on December 31, 1999, of any trust fund established under IC 12-19-1-15,
 17 as repealed by this act, shall be transferred to an appropriate trust fund under the administration of the
 18 division of family and children. The amount transferred shall be used only in a manner consistent with
 19 the intention of the donor of the property and for the following purposes:

20 (1) For the benefit of a home or an institution in which dependent or neglected children are cared
 21 for under the supervision of the county office.

22 (2) For the benefit of children who are committed to the care or supervision of the county office.

23 SECTION 63. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "committee" refers to the
 24 human services committee.

25 (b) The human services committee is established. The committee consists of twenty (20) members as
 26 follows:

27 (1) Four (4) members of the senate finance committee to be appointed by the president pro tempore
 28 of the senate.

29 (2) Four (4) members of the senate finance committee to be appointed by the minority leader of the
 30 senate.

31 (3) Six (6) members of the house ways and means committee to be appointed by the speaker of the
 32 house of representatives.

33 (4) Six (6) members of the house ways and means committee to be appointed by the minority leader
 34 of the house of representatives.

35 (c) A member appointed under this SECTION serves at the pleasure of the appointing authority. If
 36 a vacancy exists on the committee, the vacancy shall be filled by the person who made the original
 37 appointment.

38 (d) The chairman of the legislative council shall name the chairperson of the committee. The
 39 chairperson of the committee serves at the pleasure of the chairman of the legislative council.

40 (e) The committee shall meet at least eight (8) times each year. The chairperson shall call the first
 41 meeting of the committee before August 31, 1999.

42 (f) The committee shall provide for the introduction of legislation in the 2000 and 2001 regular
 43 sessions of the general assembly to do the following:

44 (1) Make appropriate changes to references in statutes that are required by this act.

45 (2) Revise and consolidate the statutes relating to the reorganization of county offices of family and
 46 children under this act.

- 1 **(3) Otherwise implement this act.**
- 2 **(g) The committee may study any issue related to its responsibilities.**
- 3 **(h) The affirmative notes of a majority of the members appointed to the committee are required for**
- 4 **the committee to take action on any measure, including final reports.**
- 5 **(i) The committee shall operate under the direction of the legislative council. The legislative services**
- 6 **agency shall staff the committee. The office of the secretary of family and social services shall assist the**
- 7 **committee as directed by the chairperson of the committee.**
- 8 **(j) The committee shall issue:**
- 9 **(1) an interim report before November 2, 1999, and at other times as determined by the legislative**
- 10 **council; and**
- 11 **(2) a final report before November 2, 2000.**
- 12 **Copies of each report shall be given to the governor and the legislative council.**
- 13 **(k) Each member of the committee is entitled to receive the same per diem, mileage, and travel**
- 14 **allowances paid to members of the general assembly serving on interim study committees established by**
- 15 **the legislative council.**
- 16 **(l) This SECTION expires December 31, 2000."**
- 17 Page 119, delete lines 34 through 49.
- 18 Delete page 120.
- 19 Page 121, delete lines 27 through 40.
- 20 Page 122, delete lines 36 through 50.
- 21 Delete pages 123 through 124.
- 22 Page 125, delete lines 1 through 12.
- 23 Page 129, delete lines 8 through 49.
- 24 Delete pages 130 through 134.
- 25 Page 135, delete line 1.
- 26 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as introduced.)

Representative Espich